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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011- 830

13 **LISA ANN ANCICH, AKA LISA ANN**
14 **ANCICH-PERKOV, AKA LISA ANN**
15 **PERKOV**

A C C U S A T I O N

16 325 N. Malgren Avenue
San Pedro, CA 90732

17 Registered Nurse License No. 382569

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about March 31, 1985, the Board of Registered Nursing issued Registered
24 Nurse License Number 382569 to Lisa Ann Ancich, aka Lisa Ann Ancich-Perkov, aka Lisa Ann
25 Perkov (Respondent). The Registered Nurse License was in full force and effect at all times
26 relevant to the charges brought herein and will expire on November 30, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

7. Section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

...

1 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in
2 any hospital, patient, or other record pertaining to the substances described in subdivision (a) of
3 this section."

4 REGULATORY PROVISIONS

5 8. California Code of Regulations, title 16, section 1442 states, in pertinent part:

6 "As used in Section 2761 of the code, "gross negligence" includes an extreme departure
7 from the standard of care which, under similar circumstances, would have ordinarily been
8 exercised by a competent registered nurse. Such an extreme departure means the repeated failure
9 to provide nursing care as required..."

10 DANGEROUS DRUGS

11 9. "Nubain," is a trade name of Nalbuphine Hydrochloride, a prescription drug that is a
12 synthetic opioid agonist-antagonist analgesic of the phenanthrene series. It is not a scheduled
13 controlled substance as designated by the Health and Safety Code, but is categorized as a
14 "dangerous drug" pursuant to Business and Professions Code section 4022.

15 10. "Pyxis" is a computerized automated medication system which operates similarly to
16 an automated teller machine at a bank. Medications can only be withdrawn from a Pyxis machine
17 by an authorized staff person using his or her own personalized access code number. The Pyxis
18 machine creates a record of the type and dosage amount of the medication withdrawn, the date
19 and time such was withdrawn, the user identification number of the person who withdrew such
20 medication and the patient for whom it was withdrawn.

21 COST RECOVERY

22 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Made Grossly Incorrect, Grossly Inconsistent, or Unintelligible Entries in Medical Records)

12. Respondent's license is subject to disciplinary action under Code section 2761, subdivisions (a) and (d), on the grounds of unprofessional conduct, as defined under Code section 2762, subdivision (e), in that while employed as a registered nurse at Saint Mary Medical Center (SMMC) in Long Beach, California, Respondent falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and patient records pertaining to dangerous drugs in the following respects:

Patient ID No. 3

a. On or about January 30, 2008, at 18:55 and 19:49 hours, Respondent removed Nalbuphine (Nubain) (10mg on each occasion, with the second 10mg amount dispensed at 19:49 hours reported by Respondent as having been wasted) from the Pyxis for Patient ID No. 3. Respondent failed to chart the administration of Nubain in the patient's Medical Administration Record (MAR) as required, and failed to document the administration thereof in the applicable 24-Hour Flow sheet, as required. Respondent, who was not assigned to care for this patient, obtained a verbal order for Nubain, but failed to have the physician co-sign the order, as required. Respondent also failed to indicate who witnessed the wastage or otherwise account for the Nubain 10mg that was dispensed at 19:49 hours and thereafter reportedly wasted, as required. The physician's orders were for Nubain 5MG IM Q3 PRN.

Patient ID No.8

b. On or about March 27, 2008, at 19:38 and 19:39 hours, Respondent removed Nubain (10mg on each occasion, with the second 10mg amount dispensed at 19:39 hours reported by Respondent as having been wasted) from the Pyxis for Patient ID No. 8. At 20:00 hours, Respondent documented that she had administered 5mg of Nubain to Patient ID No. 8 in the patient's Medical Administration Record (MAR), but failed to to indicate who witnessed the

wastage or otherwise account for the remaining Nubain 5mg that was dispensed at 19:38, and Nubain 10mg that was dispensed at 19:39 hours and thereafter reportedly wasted, as required. The physician's orders were for Nubain 5MG IM Q3 PRN Post Op.

Patient ID No. 10

- c. On or about April 3, 2008, at 18:58 hours, Respondent removed 10 mg Nalbuphine (Nubain) from the Pyxis for Patient ID No. 10. Respondent charted the administration of this Nubain in the patient's Medical Administration Record (MAR), but failed to document the administration thereof in the applicable 24-Hour Flow sheet, as required, and failed to have the physician co-sign the order, as required. The physician's orders were for Nubain 10MG IVP for itching.

Patient ID No. 14

- d. On or about April 12, 2008, at 19:35 and 23:12 hours, and then subsequently again on or about April 13, 2008, at 03:09 hours, Respondent removed Nubain (10mg IM and 10mg IVP/20mg total on each of the three occasions) from the Pyxis for Patient ID No. 14. Respondent charted the administration of this Nubain in the patient's Medical Administration Record (MAR), but her recorded entries in Patient ID No. 14's MAR on April 13, 2010 as to the time such medication was administered to this patient on that date were unintelligible, and on all three occasions, Respondent failed to document the administration of such medication to Patient ID No. 14 in the applicable 24-Hour Flow sheet, as required. The physician's orders were for Nubain 10MG IVP Q3 PRN for pain.

Patient ID No. 16

- e. On or about April 13, 2008, at 21:10 hours, Respondent removed 10mg Nubain from the Pyxis for Patient ID No. 16, 5mg of which was reportedly wasted. Respondent failed to chart the administration of this Nubain in Patient ID No. 16's MAR, and failed to document the administration of such medication in the applicable 24-Hour Flow sheet, as required. As such, Respondent further failed

1 to account for the remaining Nubain 5mg that was reportedly wasted, and failed
2 to indicate who witnessed the wastage, as required. The physician's orders were
3 for Nubain 5MG IM Q3 PRN Post Op.

4 **SECOND CAUSE FOR DISCIPLINE**

5 *(Obtain or Possess Dangerous Drugs in Violation of Law)*

6 13. Respondent's license is subject to disciplinary action under Code section 2761,
7 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
8 subdivision (a), in that while employed as a registered nurse at SMMC, Respondent obtained or
9 possessed dangerous drugs in violation of law. Complainant refers to, and by this reference
10 incorporates the allegations in paragraph 12, as though set forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 *(Unprofessional Conduct – Gross Negligence)*

13 14. Respondent's license is subject to disciplinary action under Code section 2761,
14 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
15 subdivision (a)(1), in conjunction with California Code of Regulations, title 16, section 1442, in
16 that while employed as a registered nurse at SMMC, Respondent committed gross negligence by
17 repeatedly making grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and
18 patient records, and by repeatedly obtaining dangerous drugs in violation of law. Complainant
19 refers to, and by this reference incorporates the allegations in paragraph 12, as though set forth
20 fully.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License Number 382569, issued to
25 Respondent Lisa Ann Ancich, aka Lisa Ann Ancich-Perkov, aka Lisa Ann Perkov;

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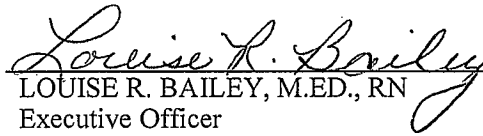
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1 2. Ordering Respondent Lisa Ann Ancich, aka Lisa Ann Ancich-Perkov, aka Lisa Ann
2 Perkov to pay the Board of Registered Nursing the reasonable costs of the investigation and
3 enforcement of this case, pursuant to Business and Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: _____

4/11/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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